

Walter O'Cheskey  
 Chapter 13 Trustee  
 6308 Iola Avenue  
 (806) 748-1980 Phone  
 (806) 748-1956 Fax

IN THE UNITED STATES BANKRUPTCY COURT  
 NORTHERN DISTRICT OF TEXAS  
 ABILENE DIVISION

IN RE:

TIMOTHY ODELL PEARCY  
 SANDRA FAYE PEARCY

CASE NO: 11-10252-RLJ-13  
 HEARING DATE: 3/20/2013  
 HEARING TIME: 11:00 AM

**TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND  
 PLAN MODIFICATION (if required)**

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Plan Modification (if required) in accordance with Bankruptcy Rule 3007 and General Order 2010-01 and would respectively show unto to the Court as follows:

**I.**

**OBJECTION -- NO PROOF OF CLAIM FILED**

The following creditors were scheduled by the Debtor(s). No Proof of Claim has been filed by them or on their behalf, as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

Trustee Clm#	Creditor Name	Scheduled Amount	Trustee Clm#	Creditor Name	Scheduled Amount
014 0 U	ABILENE CARDIOLOGY CONSULT	\$10,768.49	017 0 U	BEALLS	\$80.00
019 0 U	CELLULARONE	\$1,014.58	021 0 U	CHEVRON	\$519.00
023 0 U	COLLECTION	\$253.00	024 0 U	CONTINENTAL CREDIT	\$189.00
026 0 U	COX COMMUNICATIONS PROCESS CTR	\$175.80	028 0 U	COX JEWELRY	\$1,036.62
030 0 U	CREDIT SYSTEMS INTERNATIONAL INC	\$644.00	033 0 U	DISCOVER FINANCIAL SERVICES	\$1,714.54
035 0 U	DISH NETWORK	\$368.00	037 0 U	ENHANCED RECOVERY CORPORATION	\$757.00
038 0 U	FARMERS INSURANCE	\$80.00	040 0 U	FIRST CARD	\$3,156.79
041 0 U	GE CAPITAL	\$994.59	046 0 U	MBNA AMERICA	\$201.40
049 0 U	PAYLESS CASHWAY	\$578.01	050 0 U	PIER 1 IMPORTS	\$346.94
054 0 U	SEARS GOLD MASTERCARD	\$1,034.86	055 0 U	SERVICE BUREAU INC	\$2,923.00
056 0 U	TEXACO - SHELL CREDIT CARD CENTER	\$519.61	058 0 U	TEXAS FINANCE	\$162.00
059 0 U	TEXAS NATIONAL BANK	\$14,312.00	062 0 U	SIGNET BANK	\$178.94
066 0 U	WFNNB/BEALLS	\$1.00			

**II.**

**SPECIFIC OBJECTIONS**

The Trustee hereby objects to the following claims, on behalf of the Debtor, for the reason(s) indicated below each claim listed.

Trustee Claim #	Creditor	Collateral / Description	Claim Amount
<b><u>UNSECURED GENERAL CREDITORS</u></b>			
085 0 *	JAMES GARRISON JR MD	MEDICAL SERVICES	\$6,045.00
	Trustee objects to clerk's claim #25. Claim is duplicate of clerk's claim #14 and Trustee requests that said claim be disallowed in full.		
086 0 *	RADIOLOGY ASSOCIATES/RMA	MEDICAL SERVICES	\$51.20
	Trustee objects to clerk's claim #24. Claim is duplicate of clerk's claim #19 and Trustee requests that said claim be disallowed in full.		
087 0 *	RADIOLOGY ASSOCIATES/RMA	MEDICAL SERVICES	\$62.00
	Trustee objects to clerk's claim #23. Claim is duplicate of clerk's claim #18 and Trustee requests that said claim be disallowed in full.		

088 0 \* RADIOLOGY ASSOCIATES/RMA MEDICAL SERVICES \$85.00

Trustee objects to clerk's claim #22. Claim is duplicate of clerk's claim #17 and Trustee requests that said claim be disallowed in full.

093 0 \* GERVIS GALBRAITH MD MEDICAL SERVICES \$1,952.50

Trustee objects to clerk's claim #20. Claim is duplicate of clerk's claim #15 and Trustee requests that said claim be disallowed in full.

094 0 \* CLINICAL PATHOLOGY ASSOCIATES MEDICAL SERVICES \$119.75

Trustee objects to clerk's claim #21. Claim is duplicate of clerk's claim #16 and Trustee requests that said claim be disallowed in full.

### III.

### TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

Trustee Claim #	Creditor	Collateral / Description	Claim Amount	Value	%	Term	Paid / Treated
<b>SECURED CREDITORS</b>							
008 0 *	WELLS FARGO HOME MORTGAGE	HOME ARREARS THRU 7-2011	\$10,719.51	\$145,560.00	10.00%	60	\$292.27 PAID BY TRUSTEE
	Extended term from 52 to 60 months. See Modification Below.						
009 0	WELLS FARGO HOME MORTGAGE	DIRECT PMTS BEGIN 8-2011	\$39,861.70	\$145,560.00			PD DIRECT BY DEBTOR
010 0	MCDORMANS FURNITURE	WASHER/DRYER	\$0.00	\$4,500.00			PD DIRECT BY DEBTOR
011 0	NOLAN COUNTY/NOLAN CO HOSPITAL DIST/WT G	2011 PROPERTY TAXES - NEWMAN 3RD	\$686.65	\$145,560.00			PD DIRECT BY DEBTOR
013 0	VINCENT MOTOR COMPANY	2007 HYUNDAI SANTA FE	\$0.00	\$23,251.68			PD DIRECT BY DEBTOR
077 0 *	CITY OF SWEETWATER	2011 PROPERTY TAXES - NEWMAN 3RD	\$522.20	\$145,560.00			PD DIRECT BY DEBTOR
	Not provided for in confirmed plan. See Modification Below.						
078 0 *	SWEETWATER ISD	2011 PROPERTY TAXES - NEWMAN 3RD	\$1,228.40	\$145,560.00			PD DIRECT BY DEBTOR
	Not provided for in confirmed plan. See Modification Below.						
080 0 *	MIKE KINARD MOTORS	2004 JEEP GRAND CHEROKEE	\$0.00	\$8,000.00			PD DIRECT BY DEBTOR
	Not provided for in confirmed plan. See Modification Below.						

### UNSECURED GENERAL CREDITORS

Trustee Cim#	Creditor Name	Claim Amount	Trustee Cim#	Creditor Name	Claim Amount
015 0 U	SOUTHWESTERN BELL TELEPHONE COMPANY SERVICES	\$831.78	029 0 U	CRED BUREAU BORGER SERVICES	\$75.00
043 0 U	HENDRICK MEDICAL CENTER MEDICAL SERVICES	\$4,276.69	047 0 U	MIDWEST ELECTRIC COOPERATIVE SERVICES	\$542.98
052 0 U	ROLLING PLAINS MEMORIAL HOSPITAL MEDICAL SERVICES	\$9,310.93	060 0 U	TXU ENERGY RETAIL COMPANY SERVICES	\$1,071.96
065 0 U	RADIOLOGY ASSOCIATES/RMA MEDICAL SERVICES	\$62.00	071 0 U *	LVNV FUNDING PURCHASES/THE FRANKLIN MINT Not provided for in confirmed plan.	\$186.83
074 0 U *	ECAST SETTLEMENT CORPORATION PURCHASES/FIA CARD SERVICES BANK OF AMERICA Not provided for in confirmed plan.	\$317.75	075 0 U *	CRED BUREAU BORGER MEDICAL SERVICES Not provided for in confirmed plan.	\$453.95
083 0 U *	JAMES GARRISON JR MD MEDICAL SERVICES Not provided for in confirmed plan.	\$6,045.00	084 0 U *	GERVIS GALBRAITH MD MEDICAL SERVICES Not provided for in confirmed plan.	\$1,952.50
090 0 U *	RADIOLOGY ASSOCIATES/RMA MEDICAL SERVICES Not provided for in confirmed plan.	\$51.20	091 0 U *	CLINICAL PATHOLOGY ASSOCIATES MEDICAL SERVICES Not provided for in confirmed plan.	\$119.75
092 0 U *	RADIOLOGY ASSOCIATES/RMA MEDICAL SERVICES Not provided for in confirmed plan.	\$85.00			

If the Trustee's recommendation concerning any claim differs from the amount indicated in a creditor's Proof of Claim, the recommendation is deemed an objection to such claim. Unless a timely reponse or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount and in the class indicated.

Any proposed changes by the Debtor that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtor's Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected creditor in the absence of a letter agreement between the Debtor and the affected creditor.

### IV.

**TRUSTEE'S PLAN MODIFICATION**

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2010-01 Section 8, the Trustee requests the following Modification of Debtor's(s') Confirmed Plan, subject to feasibility herein:

Trustee's Modification is as follows:

Sweetwater ISD's secured claim for \$1,228.40 and City of Sweetwater's secured claim for \$522.20 shall be allowed and valued at \$145,560.00 and paid direct by debtor.

Mike Kinard Motors is allowed a fully secured claim for 2004 Jeep Grand Cherokee, scheduled for \$8,000.00, to be paid direct by debtors. The home arrears portion of Wells Fargo's fully secured claim for \$10,719.51 shall be paid over 60 months at 10% interest with a payment of \$292.27.

Clerk's claim #21 filed by Clinical Pathology Associates, Clerk's claim #20 filed by Gervis Galbraith MD, Clerk's claim #25 filed by James Garrison Jr MD, and Clerk's Claim #'s 22, 23, and 24 filed by Radiology Associates shall be disallowed in full.

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 3/20/2013 AT 11:00 AM CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION (IF REQUIRED) (TRCC) AT THE FOLLOWING LOCATION:

VIDEO: US COURTHOUSE ROOM 2201, 3RD & PINE, ABILENE, TEXAS 79604

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT THE SAME LOCATION AT 8:30am. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PRE-HEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL EFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2010-01 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

I hereby certify that a copy of the foregoing Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) and Notice of Hearing and Pre-Hearing Conference on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

Date: 1/25/2013

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

ABILENE CARDIOLOGY CONSULT 1680 ANTILLEY RD STE 100 ABILENE TX 79606  
ALLIANCE IMAGING INC 1000 STEEPLEWOOD DRIVE GRAPEVINE TX 76051  
ANDERSON FINANCIAL NETWORK PO BOX 3427 BLOOMINGTON IL 61702  
ASSET CARE PO BOX 22836 BEACHWOOD OH 44122  
BARRETT DAFFIN FRAPPIER TURNER ENGEL 15000 SURVEYOR BLVD STE 100 ADDISON TX 75001  
BEALLS PO BOX 64 JACKSONVILLE TX 75766  
BORGER COLLECTION SERVICES 306 N MCGEE BORGER TX 79007  
CAVALRY PO BOX 1030 HAWTHORNE NY 10532  
CCB CREDIT SERVICES INC PO BOX 272 SPRINGFIELD IL 62705  
CELLULARONE PO BOX 79128 PHOENIX AZ 85062  
CHEVRON PO BOX 5010 CONCORD CA 94524  
CITIBANK PO BOX 6003 HAGERSTOWN MD 21747  
CITY OF SWEETWATER C/O PERDUE BRANDON & FIELDER PO BOX 13430 ARLINGTON TX 76094  
CLINICAL PATHOLOGY ASSOCIATES C/O WEST CENTRAL TEXAS COLLECTION BUREAU PO BOX 2586 ABILENE TX 79602  
COLLECTION PO BOX 9134 NEEDHAM MA 02494  
CONTINENTAL CREDIT 22 N MILPAS ST STE C SANTA BARBARA CA 93103  
COX COMMUNICATIONS PROCESS CTR PO BOX 78142 PHOENIX AZ 85062  
COX JEWELRY PO BOX 1268 SWEETWATER TX 79556  
CRED BUREAU BORGER 306 N MCGEE ST BORGER TX 79007  
CRED BUREAU BORGER/FIRST NATIONAL BANK 306 N MCGEE ST BORGER TX 79007  
CREDIT COLLECTION SERVICES TWO WELLS AVE NEWTON MA 02459  
CREDIT SYSTEMS INTERNATIONAL INC 4200 INTERNATIONAL PKWY CARROLLTON TX 75007  
DEBT CONTROL CTR PO BOX 16336 WEST PALM BEACH FL 33416  
DELIVERY VERIFICATION 50 MCCULLOUGH DR NEW CASTLE DE 19720  
DISCOVER FINANCIAL SERVICES PO BOX 3025 NEW ALBANY OH 43054  
DISCOVER PO BOX 15192 WILMINGTON DE 19850  
DISH NETWORK DEPT 0063 PALANTINE IL 60055  
ECAST SETTLEMENT CORPORATION PO BOX 35480 NEWARK NJ 07193  
ECC MANAGEMENT SERVICES 475 ALLENDALE RD KING OF PRUSSIA PA 19406  
ENHANCED RECOVERY CORPORATION 8014 BAYBERRY RD JACKSONVILLE FL 32256  
EQUIDATA 724 THIMBLE SHOALS BLVD NEWPORT NEWS VA 23606  
FARMERS INSURANCE PO BOX 149226 AUSTIN TX 78714  
FIRST CARD PO BOX 15098 WILMINGTON DE 19886  
GE CAPITAL PO BOX 276 DAYTON OH 45401  
GERVIS GALBRAITH MD C/O WEST CENTRAL TEXAS COLL BUREAU PO BOX 2586 ABILENE TX 79602  
HENDRICK MEDICAL CENTER 1242 N 19TH ST ABILENE TX 79601  
HENDRICK MEDICAL CENTER 1900 PINE STREET ABILENE TX 79601  
IC SYSTEMS INC PO BOX 64887 ST PAUL MN 55164  
INTERNAL REVENUE SERVICE PO BOX 7317 PHILADELPHIA PA 19101  
INTERNAL REVENUE SERVICE PO BOX 7346 PHILADELPHIA PA 19101  
JAMES GARRISON JR MD C/O WEST CENTRAL TX COLLECTION BUREAU PO BOX 2586 ABILENE TX 79602  
LOCKE LORD LLP 2200 ROSS AVENUE SUITE 2200 DALLAS TX 75201  
LVNV FUNDING C/O RESURGENT CAPITAL SERVICES PO BOX 10587 GREENVILLE SC 29603  
MBNA AMERICA PO BOX 15026 WILMINGTON DE 19950  
MCDORMANS FURNITURE PO BOX 207 SWEETWATER TX 79556  
MERCHANTS CREDIT GUIDE 223 W JACKSON BLVD CHICAGO IL 60606  
MIDWEST ELECTRIC COOPERATIVE PO BOX 518 ROBY TX 79543  
MIKE KINARD MOTORS 2601 E BROADWAY SWEETWATER TX 79556  
NCO FINANCIAL SYSTEMS INC PO BOX 4944 DEPT NO 84 TRENTON NJ 08650  
NOLAN COUNTY CENTRAL APPRAISAL PO BOX 1256 SWEETWATER TX 79556  
NOLAN COUNTY/NOLAN CO HOSPITAL DIST/WT G C/O PERDUE BRANDON FIELDER ETAL PO BOX 13430 ARLINGTON TX 76094  
NORTHSTAR CAPITAL ACQUISITION 170 NORTHPOINTE PKWY SUITE 300 AMHERST NY 14228  
PAYLESS CASHWAY PO BOX 9721 DEPT 34 MACON GA 31297  
PERDUE, BRANDON, FIELDER, COLLINS, & MOTT PO BOX 13430 ARLINGTON TX 76094  
PIER 1 IMPORTS PO BOX 642210 OMAHA NE 68164  
PLAZA ASSOCIATES PO BOX 18008 HAUPPAUGE NY 11788  
RADIOLOGY ASSOCIATES/RMA C/O WEST CENTRAL TX COLLECTION BUREAU PO BOX 2586 ABILENE TX 79602  
ROLLING PLAINS MEMORIAL HOSPITAL PO BOX 690 SWEETWATER TX 79556  
SEARS GOLD MASTERCARD PO BOX 818007 CLEVELAND OH 44181  
SERVICE BUREAU INC 2705 81ST STREET LUBBOCK TX 79423  
SIGNET BANK PO BOX 25967 RICHMOND VA 23260  
SOUTHWEST CREDIT SYSTEMS INC 5910 W PLANO PARKWAY SUITE 100 PLANO TX 75093  
SOUTHWESTERN BELL TELEPHONE COMPANY % AT&T ATTORNEY JAMES GRUDUS ESQ ONE AT&T WAY ROOM 3A218 BEDMINSTER NJ 07921  
SWEETWATER ISD C/O PERDUE BRANDON & FIELDER PO BOX 13430 ARLINGTON TX 76094  
SWEETWATER ISD NOLAN CO/WES TEX GROUND PERDUE BRANDON FIELDER COLLINS & MOTT PO BOX 13430 ARLINGTON TX 76094  
TEXACO - SHELL CREDIT CARD CENTER PO BOX 689151 DES MOINES IA 50368  
TEXAS FINANCE 605 A LAMAR ST SWEETWATER TX 79556

TEXAS NATIONAL BANK PO BOX 510 SWEETWATER TX 79556

TEXAS RECOVERY FIN SERV CORP 3000 WILCREST SUITE 300 HOUSTON TX 77042

TIMOTHY ODELL PEARCY & SANDRA FAYE PEARCY 801 THOMAS SWEETWATER TX 79556

TXU ENERGY 200 W JOHN CARPENTER FWY IRVING TX 75039

TXU ENERGY RETAIL COMPANY C/O BANKRUPTCY DEPARTMENT PO BOX 650393 DALLAS TX 75265

UNITED STATES ATTORNEY 801 CHERRY STREET UNIT 4 FT WORTH TX 76102

US ATTORNEY ATTORNEY IN CHARGE 1100 COMMERCE STREET SUITE 300 DALLAS TX 75242

US ATTORNEY GENERAL 10TH ST & CONSTITUTION AVE WASHINGTON DC 20530

VERICHECK PO BOX 3218 ABILENE TX 79604

VINCENT MOTOR COMPANY 4142 S TREADAWAY BLVD ABILENE TX 79602

WACHOVIA BANK PO BOX 13765 ROANOKE VA 24037

WELLS FARGO HOME MORTGAGE 1 HOME CAMPUS / MAC # X2302-04C BANKRUPTCY PAYMENT PROCESSING DES MOINES IA 50328

WELLS FARGO HOME MORTGAGE INC 3476 STATEVIEW BLVD MAC# X7801-014 FORT MILLS SC 29715

WELLS FARGO PO BOX 14411 DES MOINES IA 50306

WEST CENTRAL TEXAS COLLECTION BUREAU PO BOX 2586 ABILENE TX 79604

WFNNB/BEALLS PO BOX 2974 MISSION KS 66201